

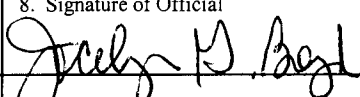
# DOCUMENT TRANSMITTAL FORM

This form must be completed and submitted with each document filed with the Editor of the *State Register* in the Legislative Council

Agency Name Public Service Commission	1. Chapter Number 103	2. Date of Filing February 12, 2010
3. Regulation Number 26 S. C. Code Ann. Regs. 103-331 26 S. C. Code Ann. Regs. 103-336	4. Subject of Regulation Customer Deposits and Deposit Retention	
5. Statutory Authority S.C. Code Ann. Section 58-3-140		

6. Type of Filing

☐ NOTICE OF GENERAL PUBLIC INTEREST  
☒ NOTICE OF DRAFTING  
☐ PROPOSED REGULATION  
☐ EMERGENCY REGULATION  
☐ FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW  
☐ RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW  
☐ FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW

5. For Additional Information, Contact Jocelyn G. Boyd		6. Telephone Number 896-5114
7. Typed Name of Official Jocelyn G. Boyd	8. Signature of Official 	9. Date February 12, 2010

SOUTH CAROLINA STATE REGISTER USE ONLY	
10. For publication in SR Volume ____ Issue ____  Document Number ____  Verification: ____	OFFICIAL FILING STAMP <b>FILED</b> FEB 12 2010 <b>S.C. LEGISLATIVE COUNCIL</b>

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**  
**CHAPTER 103**

Statutory Authority: 1976 Code Section 58-3-140

**Notice of Drafting:**

In Order No. 2009-770, the Public Service Commission granted partial waivers of 26 S.C. Code Ann. Regs. 103-331 and 103-336 to all investor-owned electrical utilities operating in South Carolina for non-residential customers. The current language of Regulations 103-331 and 103-336 do not reflect these partial waivers. Hence, to capture these waivers as granted in Commission Order No. 2009-770, the Commission now seeks to amend Regulations 103-331 and 103-336 to reflect these waivers. Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2010-63-E. To be considered, comments must be received no later than 4:45 p.m. on April 1, 2010.

**Synopsis:**

Regulation 103-331 governs customer deposits. Section 3 of Regulation 103-331 states that an electrical utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills if the customer has no deposit and presently is delinquent in payments, i.e., has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears in the past twenty-four months. Regulation 103-336 provides that a deposit shall be refunded completely with interest after two years unless the customer has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears, in the past twenty-four months.

On September 17, 2009, the Commission conducted a hearing on the partial waivers of Regulations 103-331 and 103-336. During this hearing, the Commission heard testimony from a utility witness who stated that although a non-residential customer may be paying its electric bill on a regular basis, its financial condition with other customers or suppliers may be rapidly deteriorating and bankruptcy may be imminent. Further, for these customers, no charges for electric service are made until after the electricity already has been used, and the customer continues to use electricity until or after that bill becomes past due. The utility companies therefore expressed a need for the ability to request a deposit from such non-delinquent non-residential customers, or for similar relief, and to retain the deposit longer than the two-year period provided for in Regulation 103-336, if necessary. The Commission approved such relief in Order No. 2009-770.

Additionally, in Order No. 2009-770, the Commission found that "providing the State's utilities with the tools to secure customer accounts when a customer is in financial distress benefits the utilities' general body of ratepayers." Further, the Commission found that Regulations 103-331 and 103-336 should be amended to reflect the non-residential partial waivers granted in Order No. 2009-770.